

COMMITTEE REPORT

MADAM PRESIDENT:

The Senate Committee on Judiciary, to which was referred Senate Bill No. 516, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill be AMENDED as follows:

- 1 Page 1, delete lines 1 through 17, begin a new paragraph, and insert:
2 "SECTION 1. IC 5-2-6-14 IS AMENDED TO READ AS
3 FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 14. (a) The victim and
4 witness assistance fund is established. The institute shall administer the
5 fund. Except as provided in subsection (e), expenditures from the fund
6 may be made only in accordance with appropriations made by the
7 general assembly.
8 (b) The source of the victim and witness assistance fund is the
9 family violence and victim assistance fund established by IC 12-18-5-2.
10 (c) The institute may use money from the victim and witness
11 assistance fund when awarding a grant or entering into a contract under
12 this chapter, if the money is used for the support of a program in the
13 office of a prosecuting attorney or in a state or local law enforcement
14 agency designed to:
15 (1) help evaluate the physical, emotional, and personal needs of
16 a victim resulting from a crime, and counsel or refer the victim to
17 those agencies or persons in the community that can provide the
18 services needed;
19 (2) provide transportation for victims and witnesses of crime to
20 attend proceedings in the case when necessary; or
21 (3) provide other services to victims or witnesses of crime when
22 necessary to enable them to participate in criminal proceedings

1 without undue hardship or trauma.

2 (d) Money in the victim and witness assistance fund at the end of a
3 particular fiscal year does not revert to the general fund.

4 (e) The institute may use money in the fund to:

5 (1) pay the costs of administering the fund, including expenditures
6 for personnel and data;

7 (2) establish and maintain the sex and violent offender directory
8 under IC 5-2-12; ~~and~~

9 (3) provide training for persons to assist victims; **and**

10 **(4) provide funding for a victim notification program."**

11 Delete page 2.

12 Page 3, delete lines 1 through 4.

13 Page 5, line 23, delete "attorney general" and insert "**department of**
14 **correction**".

15 Page 5, delete lines 26 through 32, begin a new paragraph, and
16 insert:

17 "SECTION 3. IC 11-8-7 IS ADDED TO THE INDIANA CODE AS
18 A **NEW CHAPTER TO READ AS FOLLOWS** [EFFECTIVE JULY
19 1, 2005]:

20 **Chapter 7. Victim Notification Services**

21 **Sec. 1. As used in the chapter, "registered crime victim" refers**
22 **to a person who registers to receive victim notification services**
23 **under section 2(a)(5) of this chapter.**

24 **Sec. 2. (a) The department may establish an automated victim**
25 **notification system to do the following:**

26 **(1) Automatically notify a registered crime victim when the**
27 **committed offender who committed a crime against the**
28 **registered crime victim:**

29 **(A) is transferred or assigned to another facility within the**
30 **department;**

31 **(B) is transferred to a facility not operated by the**
32 **department;**

33 **(C) is given a different security classification;**

34 **(D) is released on temporary leave;**

35 **(E) is discharged; or**

36 **(F) has escaped.**

37 **(2) Permit a registered crime victim to receive the most recent**
38 **status report for an offender by calling the automated victim**
39 **notification system on a toll free telephone number.**

40 **(3) Notify a registered crime victim concerning a change in the**
41 **status of an offender as the result of:**

42 **(A) a criminal appeal;**

- 1 (B) a habeas corpus proceeding; or
- 2 (C) an appeal from the grant or denial of a petition for
- 3 postconviction relief.

4 (4) Provide notice to an occupant of a residence in the area in
5 which a sex offender resides.

6 (5) Permit a crime victim to register or update the crime
7 victim's registration for the automated victim notification
8 system by calling a toll free telephone number.

9 (b) The automated victim notification system may transmit
10 information to a person by:

- 11 (1) telephone;
- 12 (2) electronic mail; or
- 13 (3) another method as determined by the department.

14 Sec. 3. The department shall ensure that the offender
15 information contained in the automated victim notification system
16 is updated frequently enough to timely notify a registered crime
17 victim that an offender has been released, has been discharged, or
18 has escaped. However, the failure of the automated victim
19 notification system to provide notice to the registered crime victim
20 does not establish a separate cause of action by the registered crime
21 victim against:

- 22 (1) the state; or
- 23 (3) the department.

24 Sec. 4. A law enforcement officer, a law enforcement agency,
25 and a prosecuting attorney shall cooperate with the department in
26 establishing and maintaining the automated victim notification
27 system.

28 Sec. 5. The department, with the Indiana criminal justice
29 institute, shall seek:

- 30 (1) federal grants; and
- 31 (2) other funding, including a grant from the victim and
32 witness assistance fund (IC 5-2-6-14);

33 for startup and operational costs for victim notification services
34 under this chapter.

35 Sec. 6. The department may adopt rules under IC 4-22-2 to
36 implement this chapter."

37 Page 5, line 36, delete "attorney general" and insert "department of

1 **correction".**

2 Page 5, line 37, delete "**IC 4-6-13**" and insert "**IC 11-8-7**".

3 ReNUMBER all SECTIONS consecutively.
(Reference is to SB 516 as introduced.)

and when so amended that said bill do pass .

Committee Vote: Yeas 10, Nays 0.

Senator Bray, Chairperson